

REMARKS

Claims 13-30 are pending. By this Amendment, claims 13-17, 19-21 and 24 are amended. Also, new claims 25-30 are added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

Claims 18-20 were rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

Claim 18 specifies that the framework of the crockery basket includes a plurality of substantially horizontal meshes arranged one above the other, on which at least one rack can be disposed at different height positions.

The original specification provides support for this subject matter. For example, paragraph [011] of the English translation of the application specifies that the crockery basket comprises a number of substantially horizontal meshes arranged one above the other, on which at least one rack can be disposed at different height positions. Paragraph [011] goes on to state that the rack is fixed on the crockery basket by fixing means which are preferably detachably arranged on the meshes of the crockery basket at different height positions. The fixing means can thus be detachably connected to the crockery basket and to the rack. By this Amendment, the “fixing means” has been changed to “fixing structure”.

In addition, paragraph 19 of the translation specifies that the crockery basket comprises a number of horizontal meshes 2 arranged one above the other at its edge. As shown in Figure 1, reference number 2 includes two leader lines which indicate two horizontal meshes which in this case are generally parallel to one another. Element 4 is an example of a fixing device or fixing structure that can be secured in a detachable or non-detachable manner on the meshes of the framework of the crockery basket at different height positions, per claim 19.

Thus, Applicant respectfully submits that the term “mesh” has been used in conjunction with horizontal members 2 shown in Figures 1-3. Thus, it is not necessary that the horizontal mesh require a crossing of wires, as alleged in the Office Action. In addition, as clearly shown in Figure 1, the framework does not include only a single

horizontal mesh, but rather includes a plurality of horizontal meshes 2 as indicated by the multiple lead lines leading from element 2 in Figure 1. In addition, Applicant respectfully traverses the statement in the Office Action that the rack is attached to a vertical portion of the mesh and not a horizontal mesh. As clearly shown in Figure 1, fixing structure 4 in the indicated embodiment is connected to horizontal mesh 2 as well as perpendicular wire 7.

Accordingly, Applicant respectfully submits that claims 18-20 satisfy the requirements of 35 U.S.C. §112, first paragraph, in particular the enablement requirement.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-24 were rejected under 35 U.S.C. §102(b) over Smith (U.S. Patent No. 5,480,035). This rejection is respectfully traversed.

Claim 13 is directed to a crockery basket comprising a framework for retaining items to be washed, the framework including a common edge, at least one rack for engaging items to be washed to support the retention of such items relative to the framework, and a plurality of holding elements for holding the at least one rack at different height positions on the crockery basket, the plurality of holding elements being secured on the common edge.

Smith does not teach or disclose this subject matter. For example, Smith does not teach or suggest that the framework includes a common edge, and that the plurality of holding elements are secured on the common edge, as specified in claim 13. In Smith, a shelf 20 is mounted between a pair of opposite side walls 16 and 17 as shown in Figure 1. By contrast, the holding elements of claim 13 are secured on a common edge, e.g., the common edge in Figure 1 of the present application where fixing structures or holding devices 4 are located. This enables the use of a rack which can be variable in length, and need not span the entire depth of the crockery basket 1, or the use of multiple racks on the common edge arrangeable at different heights.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 25-29 are presented for the Examiner's consideration. Smith does not teach or suggest the subject matter of at least independent claims 25 and 27. For example, with respect to claim 25, Smith does not teach that the framework includes at least one horizontal mesh and at least first and second vertical wires intersecting with the horizontal mesh, and wherein a first one of the plurality of holding elements engages the framework at a first intersection between the horizontal mesh and the first vertical wire, and a second one of the plurality of holding elements engages the framework at a second intersection between the horizontal mesh and the second vertical wire.

With respect to independent claim 27, Smith does not teach that the rack includes a support clip to form a mechanical stop engageable with framework when the rack is in the generally horizontal position. As shown in Figures 6 and 7 of Smith, shelf 20 includes no support clip to form a mechanical stop engageable with the framework when the rack is in the generally horizontal position. Instead, shelf 20 rests on either rib 56 or rib 57 depending on whether the shelf is in the upper position (Figure 6) or the lower position (Figure 7).

Applicant respectfully requests entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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